

201206313
Dayne Beissel

Officers responding to a home alarm going off went to the wrong house. They entered the house, startling the resident. The house that the officers responded to and entered was not the address that was on the SPRINT form that was associated with the incident. They asked the resident for identification, and after he provided it, they left. In her CCRB interview, Officer Beissel stated that the SPRINT printout was incorrect and that they had been to the correct house. She further stated that during the incident, the alarm in the house had been going off and continued to go off throughout the encounter. Her partner, who had also responded, did not state that an alarm was going off during the incident and could not recall whether the home had an alarm system or not.

The CCRB substantiated allegations that the officers had improperly entered the house, since they responded to the wrong address, and found that PO Beissel had made a false statement that the alarm was going off during the home entry. At a departmental trial, an NYPD administrative judge found PO Beissel not guilty.

Interview Details

May 24, 2012
12:51 p.m.- 1:13 p.m.

██████████ is an Asian male who stands 5'3" tall and weighs 145 pounds. He has black hair and brown eyes. At the time of his interview, he was ██████-years-old and unemployed.

CCRB Statement

On May 24, 2012, ██████████ was interviewed at the CCRB.

On May 17, 2012, at approximately 8:45 a.m., ██████████ was at his home, located at ██████████ in Queens, waiting on carpenters to come to his house to finish some construction work. ██████████ has a yorkie who barks every time someone comes in the yard, so when ██████████ heard his dog barking, he went to the back entrance of his house and heard a voice on the steps. ██████████ lives in a one-story private home with a front porch and a back porch and five steps leading to each porch. ██████████ went out to his back porch, wearing shorts and slippers, to see if the carpenters had arrived. When he looked, he saw two uniformed officers- a male and a female. An officer stated that his door was open. ██████████ told the officer this was because he was waiting for carpenters to come and finish construction on his home. The officers told him that they had information that his house alarm went off. ██████████ told them that he thinks they have the wrong address because he doesn't have an alarm system in his house and he didn't call 911. ██████████ walked down the stairs a few steps to get closer to the officers. PO1 asked ██████████ for his ID. ██████████ told him that his ID was upstairs and asked the officers to wait there while he went to get it. As soon as ██████████ put his hand on the rail, PO1 told him that he was trying to be smart and grabbed his right forearm and told him that he was under arrest and yanked him. ██████████ told the officers that he was going to get his ID for them and continued to go up the stairs. ██████████ was never handcuffed. Both of the officers followed him through his kitchen, into his living room and stood there while he went into the bedroom to get his wallet. ██████████ gave the officers his driver's license. PO1 took a book from his pocket and began to write down something. ██████████ asked the officer what he was writing and asked them why they were still standing there instead of finding the house whose alarm went off. The officers left through the back door and got into a marked police car where they sat for one minute and then drove off.

Fourteen minutes into the interview, mediation was offered. The investigation process was also discussed. ██████████ decided to take some time to decide how he would like to proceed with his case. ██████████ expressed his anger, multiple times, in the way the officers approached him and entered his house. The investigators continued to inform him about the pros of mediation and why he would benefit from it. ██████████ chose not to make any final decisions at the time.

PO1: male, tall black, 40s-50s, over 6'0" tall, average build,
PO2: Indian or Hispanic, female, 5'5" tall, 30s-40s, solid build,

Interview Details

February 4, 2013
9:36 a.m. – 9:49 a.m.

Officer Dayne Beissel is a West Indian female who stands 5'2" tall and weighs 140 pounds. She has brown hair and brown eyes. At the time of the interview, she was [REDACTED] years old.

On May 17, 2012, Officer Beissel worked in uniform from 7:05 a.m. to 3:40 p.m. with Officer Yuseff Hamm. They were assigned to the Burglary Auto in marked vehicle # [REDACTED]

Memo Book

At 8:27 a.m., Officer Beissel received a 10-11 (alarm) at [REDACTED]. At 8:46 a.m., Officer Beissel concluded a 10-90 N (Notice served- unfounded or unnecessary alarm) and a 10-93Q (other report prepared, no arrest), # [REDACTED]

CCRB Interview

On May 17, 2012, at approximately 8:27 a.m., Officer Beissel and Officer Hamm received a job over the radio for a 10-11, an alarm at the front door of [REDACTED]. No sprint number was provided. When they arrived, Officer Beissel went to the front door and shook the handle. It was locked. There was no visible construction or other work being done on the house, which Officer Beissel added, could sometimes be the cause of a false alarm. Officer Beissel and Officer Hamm went to the back of the location and saw the back door wide open with the alarm still going off. Officer Hamm requested a supervisor on scene due to the open door.

Approximately 30 seconds later, an Asian male, came hurriedly out the door. They later identified him to be the homeowner, [REDACTED]. Officer Beissel asked [REDACTED] for his identification. [REDACTED] told her that he did not have his identification with him and stated that his wife had it inside of the residence. Officer Beissel told him that she needed his identification. He told Officer Beissel that he was going to go get his identification and that his wife could bring it to him. [REDACTED] proceeded to enter the location and attempted to close the door. Officer Beissel later stated, after being directed by her representative, that he never identified himself as the homeowner or stated his intentions to retrieve his identification before closing the door. Officer Hamm blocked the door, with his hands, from being closed and told [REDACTED] that they were going to follow him inside and to have his wife bring the identification downstairs. Officer Beissel did not grab his arm or yank him to prevent him from entering the residence and did not see her partner do so. Officer Beissel did not tell [REDACTED] that he was going to be arrested nor did Officer Hamm. [REDACTED] never asked the officers to stay outside or not to enter the residence. Officer Beissel stated that even if he had, it would not have made a difference given the circumstances of the situation.

They entered the residence and walked into what appeared to be a living room. [REDACTED] called out a name. An Indian female, who had been wearing pajamas, came down the stairs, which was to their right, and handed the wallet over to [REDACTED]. Officer Beissel was standing behind [REDACTED] next to Officer Hamm. [REDACTED] took the wallet, removed his identification and handed it to Officer Hamm. Officer Beissel and Officer Hamm wrote down his information. Officer Beissel glanced around the room and saw that [REDACTED] was in some of the pictures located around the room and concluded that he did indeed live there.

[REDACTED] escorted the officers outside and they left the location. Officer Beissel and Officer Hamm prepared a UF-250 and received a sprint number of [REDACTED]. [REDACTED] never told Officer Beissel that he did not have an alarm system. She stated that it was never discussed because she could clearly hear the alarm. Officer Beissel never saw the alarm system; she only heard it but was certain that it was coming from [REDACTED] house. The supervisor never arrived at the location nor did any other units.

Officer Beissel reviewed Sprint # [REDACTED] as provided during the interview. After reviewing it, she stated that this sprint was for the job that she responded to; however, the address on the sprint was incorrect. According to Officer Beissel, when the job first came over, she received the address currently shown on the sprint, [REDACTED]; however, a second later, the operator corrected herself and provided the address as [REDACTED] which is the address that she and Officer Hamm responded to. Officer Beissel stated that she did not know why the address on the Sprint print-out was never corrected. When Officer Beissel initially told her account of the incident, before questioning, she failed to mention hearing an alarm until her representative addressed it.

Interview Details

February 4, 2013
9:55 a.m. – 10:06 a.m.

Officer Yuseff Hamm is a black male who stands 6'3" tall and weighs 225 pounds. He has black hair and brown eyes. At the time of the interview, he was [REDACTED] years old.

On May 17, 2012, Officer Hamm worked in uniform from 7:05 a.m. to 3:40 p.m. with Officer Dayne Beissel. He was assigned to the Burglary Unit in marked vehicle # [REDACTED]

Memo Book

At 8:27 a.m., Officer Hamm responded to a 10-11 (alarm) at [REDACTED]. At 8:45 a.m., 10-90N, 93 Q, [REDACTED]

CCRB Interview

On May 17, 2012, at approximately 8:27 a.m., Officer Hamm and Officer Beissel responded to a 10-11, an alarm system which had activated at [REDACTED]. They received no further information over the radio. Officer Hamm stated that a 10-11 is usually a precursor to a 10-32, a burglary in progress. When they approached the location, Officer Hamm approached the front of the house and Officer Beissel approached the back. Officer Hamm heard a faint humming, which sounded like an alarm system going off, which led them to the back door. Officer Hamm could not recall if the humming sound got louder as they approached the back door. When they walked to the back, they noticed that the rear door was open. Officer Hamm called for the sergeant and then went back to secure the front door. Officer Beissel remained at the back door.

Officer Hamm heard Officer Beissel talking to someone at the back door so he returned to the back door. There was a male standing in the doorway, who they later identified as the homeowner, [REDACTED]. [REDACTED] told the officers that everything was okay and that he lived there. They asked him for identification and he told them that it was in the house. Officer Hamm could not recall if [REDACTED] told them that he was entering the house to retrieve the id. [REDACTED] attempted to close the door. Officer Hamm pushed the door back open and told him that he could not close the door. Officer Hamm could not recall if [REDACTED] asked the officer to wait outside or not to enter the house. Officer Hamm did not recall Officer Beissel grabbing [REDACTED] arm to prevent him from going into the house and did not do so himself.

Officer Hamm and Officer Beissel followed [REDACTED] into the house. Officer Hamm could not recall if his wife brought his identification or if [REDACTED] located it himself. Officer Hamm could not recall who took [REDACTED] identification but stated that it may have been him because he wrote the UF-250. Officer Hamm and Officer Beissel explained the situation to [REDACTED] and then they left out of the back door.

Officer Hamm could not recall if [REDACTED] ever stated that he did not have an alarm system.

Officer Hamm told [REDACTED] that if he did not produce identification that he is subject to be arrested for being in a location with the alarm sounding; however, he did not tell him that he was going to be arrested nor did he hear his partner tell him this.

Officer Hamm stated that the address that they were given when they received the job was the address that they arrived at. He did not recall any discrepancies in the information that they received.

Sprint # [REDACTED] was shown to Officer Hamm who identified it as the job that he and Officer Beissel responded to. The sprint showed an address of [REDACTED]. Officer Hamm could not recall if they were ever given that address or if the address that they were given had been changed or corrected at any point but stated that he and Officer Beissel did not respond to that address. They responded to [REDACTED].